

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FRANK HEINZ,

Plaintiff,

v.

DECISION AND ORDER  
15-CV-337A

NANCY A. BERRYHILL, ACTING COMMISSIONER  
OF SOCIAL SECURITY,

Defendant.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 5, 2017, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 13), recommending that plaintiff's motion for judgment on the pleadings (Dkt. No. 8) be denied, and that the Acting Commissioner's motion for similar relief (Dkt. No. 11) be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiff's motion for judgment on the pleadings is denied, and the Acting Commissioner's motion for similar relief is granted.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: May 24, 2017